

Application Number: 09/396,531

Group Art Unit: 3711

Filing Date: 9/15/99

Examiner Name: William Pierce

Inventors: Randall Addington et al.

Attorney Docket No.: 99-1001

Title: Bowler's Aid

Assistant Commissioner of Patents

Washington, D.C. 20231

By Facsimile: 703-872-9303

37 C.F.R. 1.181 Petition

I.

This Petition if Timely Filed

1. An amendment in this application was filed by facsimile on 1/14/03. Subsequently is was learned from Mr. Larry Schwartz, Group 3700, the facsimile amendment was not retrieved from the Group 3700 computer and the amendment in this application was not forwarded to Art Unit 3711 until about 3/18/03.

II.

Background

2. This application is one of two related applications with examiner William Pierce, Art Unit 3700. The other is related application 09/396,531, filed on 9/15/99. Each of the applications have been to the Board of Appeals, and remanded, in the case of this application, the remand was without a hearing.

3. This application 09/396,531, was Remanded Without Hearing, Paper No. 26, to examiner Pierce for "appropriate action with regard to,"

- a. The status of an amendment,
- b. A determination of whether additional fees are required,
- c. An explanation of examiners interpretation of specified "means," as recited in the claims, and of the structure in the Patent of the reference of Fowble which responds to

that limitation, and

d. The "marked examiner's marked copy (sic) of Fowble included with this action," stated by examiner Pierce to be in the file.

Since that remand, applicants filed a Request For Continued Prosecution, and following examiner's Pierce's Office Action, applicants filed an amendment by facsimile on 01/14/03.

Concerned this application 09/396,531, was not being examined, applicant sent a Request For Status. After several calls, Mr. Larry Schwartz of Group 3700 confirmed on about 3/18/03, he was able to retrieve this amendment from the facsimile computer to which it was sent on 01/14/03 and send it to the examiner's Art Unit. My understanding from Mr. Schwartz is the amendment was in the computer and was not forwarded to the examiner's art unit 3711 until about 03/18/03.

The last information given by Mr. Schwartz is this application 09/396,531 is presently before t examiner Pierce for response to applicants' amendment filed by facsimile on 01/14/03.

### III.

4. Applicants petition the Director responsible for Group Art Unit 3711 and responsible for examiner Pierce, for confirmation the amendment filed by facsimile on 01/14/03 in application 09/396,531 is presently being processed for examination in a timely manner in accordance with Office practice and procedures.

5. As reasons for this Petition, applicant states,


- a. This application has been made special under Rule 102(c),
- b. The Office had mislaid this amendment and it would have been abandoned had it not been for my inquiry and the response of Mr. Schwartz.
- c. A companion related application 09/396,530, in Art Unit 3711, had been abandoned, contrary to Office practice and procedure.
- d. This applications 09/396,531, and related application 09/396,530, are being examined

in Group Art Unit 3711.

c. Applicant's concern that the Office practices with regard to application 09/396,531 and related application 09/396,530, demonstrate neglect, are reasonable.

6 This is considered a non fee petition.

Wherefore, Applicants petition the Honorable Commissioner of Patents for confirmation of application 09/396,531 is being examined in a timely manner in accordance with Office practice, as requested in Paragraph 4, above.



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